

**Notice of Allowability**

Application No.

10/828,790

Examiner

N. M. Minnifield

Applicant(s)

POLYAKOV ET AL.

Art Unit

1645

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/10/06.
2. ☒ The allowed claim(s) is/are 7-18; now renumbered 1-12 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/256,915.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☒ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4/21/04
4. ☒ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The terminal disclaimer filed on October 10, 2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of 6872399 has been reviewed and is accepted. The terminal disclaimer has been recorded.

3. All rejections have been withdrawn in view of the properly filed terminal disclaimer.

4. Claims 7-18 are allowed and have been renumbered 1-12 respectively.

5. The specification has been amended as follows: Please replace page 1, lines 4-12 of the specification with the text set forth below.

--The present application is a continuation of United States application Serial No. 10/085,703, filed February 8, 2002, now U.S. Patent 6,872,399, which is a continuation of United States application Serial No. 09/256,915, filed February 24, 1999, now abandoned, which is a continuation of United States application Serial No. 08/568,063, filed December 6, 1995, now abandoned, which is a continuation of United States application Serial No. 08/281,380, filed July 26, 1994, now abandoned, which is a continuation of United States application Serial

No. 08/081,299, filed August 11, 1993, now abandoned, which claims priority under 35 USC § 119 to Russian Federation application Serial No.

50068611307308, filed October 21, 1991; and claims priority benefit of all the above-listed applications.--

6. Applicants should provide deposit information regarding assurances etc (see 37 CFR 1.808 and MPEP 2400) about the deposits of the claimed biological material that has been submitted in related applications to make the pending application complete.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is 571-272-0860. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
N. M. Minnifield  
Primary Examiner  
Art Unit 1645

NMM  
February 2, 2007

***CLEAN COPY of SPECIFICATION AMENDMENT***

The present application is a continuation of United States application Serial No. 10/085,703, filed February 8, 2002, now U.S. Patent 6,872,399, which is a continuation of United States application Serial No. 09/256,915, filed February 24, 1999, now abandoned, which is a continuation of United States application Serial No. 08/568,063, filed December 6, 1995, now abandoned, which is a continuation of United States application Serial No. 08/281,380, filed July 26, 1994, now abandoned, which is a continuation of United States application Serial No. 08/081,299, filed August 11, 1993, now abandoned, which claims priority under 35 USC § 119 to Russian Federation application Serial No. 50068611307308, filed October 21, 1991; and claims priority benefit of all the above-listed applications.